

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR No. 22-MJ-1392 KRS

MONICA ESCOBAR,

Defendant.

UNOPPOSED MOTION TO CONTINUE GRAND JURY PRESENTMENT

COMES NOW, the Defendant, Monica Escobar, by and through her attorney of record, Assistant Federal Public Defender, Silvia Delgado, and moves this Court for a 60-day continuance of deadline for grand jury presentment, for a total of 165 days. The reasons for the request are as follows:

1. Plea offers and negotiations are typically more flexible, and potentially beneficial, for defendants if they enter pleas prior to indictment, thus saving the government the resources used for grand jury presentment.
2. Ms. Escobar's case has several issues, which requires further investigation before any decisions can be made about the case, by either party.
3. Pursuant to 18 U.S.C. § 3161 (h)(7)(A), any period of delay at this time will serve the needs of justice and outweigh the interest of the public and the defendant in a speedy trial. In so doing, it will avoid the miscarriage of justice that may attend a premature plea before the parties have had a full opportunity to engage in informed negotiations regarding possible options for Ms. Escobar.

4. Counsel has reviewed the holding of U.S. v. Toombs 574 F.3d 1262 (10th Cir. 2009). The miscarriage of justice that would occur is that the district court, if it were to end up sentencing Ms. Escobar, would not possess all of the information it needs to fashion a sentence that is sufficient, but not greater than necessary, to achieve the sentencing goals of punishment, deterrence, and protection of the public under 18 U.S.C. § 3553.

5. The government has no objection to this request.

It is therefore respectfully requested that the court continue the deadline for grand jury presentment for an additional 60 days.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER

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Electronically filed October 24, 2022

By: /s/ Silvia Delgado

SILVIA DELGADO

Assistant Federal Public Defender